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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,718	04/06/2000	Eduardo Cue	P2513/561	9145

21839 7590 02/28/2003

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EXAMINER

POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,718

Applicant(s)

CUE ET AL.

Examiner

Robert M. Pond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-47 are rejected under 35 USC 103(a) as being unpatentable over Dell Computer (a collection of prior art cited in PTO-892 Items: U-X and Henson, patent number 6,167,383), in view of Official Notice regarding web-based system resources, hereafter referred to as "ON1," further in view of Official Notice regarding customized site administration, hereafter referred to as "ON2."**

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Dell Computer teaches a method for conducting commerce with customers desiring to purchase computers, peripherals, software, and accessories through Dell Computer's web site (please see Item U; pages 2-3). Dell Computer teaches:

- Online specialty stores for customers belonging to a group (e.g. federal government, state & local governments, higher education, healthcare, and businesses) (see at least Item: U, pages 6-19; Henson: abstract; col. 3, lines 35-44),
- A database driven shopping cart and configurator that assists the customer in customizing a computer system for purchase, providing automatic price totaling (see at least Henson: Fig. 1 (18, 20, 24); col. 4, line 35 through col. 5, line 65),
- Customized secure websites for individual customer groups, hereafter referred to as Premier Pages, managed by Dell Computer's web service that allows large companies and public-sector customers to simplify procurement of Dell products and support processes (see at least Item: U, pages 3-5; Item: W, page 1; Henson: abstract; col. 14, lines 18-61);
- Premier Pages providing paperless purchase order processing, purchase history reporting, order status, and help desk support (see at least Item: X, page 1),

- Premier Pages providing customers with access to over 53,000 pages of technical information including self-diagnostic tools and frequently asked questions (see at least Item: V, page 1)
- Premier Pages with flexible page content and layout, clear navigation, customizable links to other Internet sites (see Item: V, page 1),
- Premier Pages with quote details, automatic pre-filling of address fields, and multi-currency features (see at least Item: V, page 1),
- Premier Pages that incorporates ImageWatch which is designed to provided early notification of technology changes to Dell corporate and institutional customers (see at least Item: W, page 1),
- A higher education online mall with links to an institution's special contract pricing based on volume purchase agreements (VPA) (see at least Item: U, pages 18-19; Henson: col. 13, lines 29-37),
- Customizing systems using the Dell Online Store shopping cart and check-out process, featuring automatic price update calculations and payment methods (see at least Item: U, pages 20-23),
- Option selection impact alert icon that indicates to the buyer that the selected option restricts or limits the selection of other configuration choices for the system and that there is a possible impact to choice of configuration (see at least Item: U, page 25),
- Extended Delivery Time Warning icon that indicates to the buyer that the selected option will extend the system's delivery time beyond Dell's

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standard delivery time frame; clicking the icon provides the earliest delivery date for systems with this component (see at least Item: U, page 25),

- Payment options for institutional customers (e.g. purchase order, business lease, line of credit, credit card) (see at least Item: U, page 27),
- Shipping options (e.g. next, second, or third business day delivery, lowest cost delivery) (see at least Item: U, page 28),
- Order Watch service that provides e-mail notification when order is shipped (see at least Item: U, page 28),
- Delivery Time indication from time order is placed (see at least Item: U, pages 28-29),
- Online Store contact page for corporate and institutional customers (see at least Item: U, page 30).

Dell Computer teaches all the above as noted under the 103(a) rejection and teaches a web-based electronic commerce application accessed by remotely connected customers via the Internet, a database, and software modules, but does not specifically disclose the servers managing the web site. This examiner takes the position that is old and well-known that a web site implements a) a computer and means for serving up web pages over the Internet in response to web queries from a remotely connected client computer running a web browser, b) web-based commerce applications run on the same or other computers

interconnected to the web server, and c) computer-readable medium stores at least data, operating environment code, application code, and communication code. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of Dell Computer to disclose server and computer-readable resources as taught by ON1, in order to more fully describe the web-based commerce application.

Dell Computer and ON1 teach all the above as noted under the 103(a) rejection and further teach a) Premier Pages being controlled and managed by the customer (see Item: V, page 1), b) log-in security with customer IDs and passwords that determine access privileges for each level and category of user: "Users see product details but cannot buy, buyers have access to purchase details and buying functions, managers have access to all information and detailed reports (see Item: V, page 1; Henson: col. 14, lines 35-38), c) a tool set being provided for generating a customizable checkout to meet customer's needs without the need for a developer (Henson: col. 12, lines 19-27), and d) volume purchase agreements with institutional customers. Dell Computer and ON1, however, do not specifically disclose providing an administration web page used to publish the products being assigned to a specific Premier Page. This examiner takes the position that since control and manage the content of their own Premier Pages and since the primary customer interface is a web browser, there is at least one web page devoted to administrative functions for at least the purpose of identifying which products are eligible per the volume purchase agreement.

Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to disclose an administration web page as taught by ON2, in order more fully disclose how customers publish, update, and modify the bundle of products associated with the their Premier Pages site.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231


or faxed to:

703-305-7687 (Official communications; including After Final communications labeled "Box AF")

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

RMP
February 20, 2003



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